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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,903	11/02/2005	Heinz-Willi Greuel	GREUEL	2327
25880 7590 03/02/2011 COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER				
ADDRESSEE, SARA				
ART UNIT		PAPER NUMBER		
3724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,903

Applicant(s)

GREUEL ET AL.

Examiner

SARA ADDISU

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "adjusting device having a conical bushing". Claim 5 depends from claim 43, which recites "...an adjusting device having a second slide surface.....wherein both the first and second slide surface are planar or both the first and second slide surface have a constant radius of curvature in an axial direction".

In the option where "wherein both the first and second slide surface are planar", it is not clear to the Examiner how it could have a conical bushing. In the option where "both the first and second slide surface have a constant radius of curvature in an axial direction", Since a cone by definition does not have a constant radius in the axial direction, thus it is unclear to the Examiner how that would work.

For the purpose of this Office Action, Examiner has interpreted it two ways, one where the adjusting device does not have conical bushing (e.g. wedge surfaces make the radial adjustment of the tools, see Abbey (USP 2,484,601) and another interpretation is where the sliding surfaces do not include "constant radius of curvature in an axial direction but include conical bushing).

Please note: further review of the Specification (page 54, last few lines) states "Therefore the tool holders 204 can communicate with planar slide surfaces 208 of the adjuster ring 202, by way of planar slide surfaces 220, although the inside 219 of the adjuster ring 202 is configured to be conical, for the remainder". From this language, Examiner assumes the conical bushing has a portion that is planar where the slide surfaces interact. If this is the case, Examiner believes this is not how the claims are written.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Abbey (USP 2,484,601).

Abbey teaches a tool head having a tool holder that is axially and radially adjustable via a first slide surface (76/78)) that is in contact with a second slide surface (48), wherein both the first slide surface and the second slide surface are planar and parallel to each other ('601, figures 4-6 and col. 3, line 75 through col. 4, line 2 & col. 4, lines 12-40 & col. 5, lines 5-10 and lines 27-46).

3. Claims 5-7 and 43, as best understood, are rejected under 35

U.S.C. 102(e) as being anticipated by Riedel (USP 3,788,170).

Riedel teaches a tool head having a tool holder that is axially and radially adjustable via a first slide surface (8a) that is in contact with a second slide surface (9a), wherein both the first slide surface and the second slide surface are parallel to each other ('170, figure 1). Regarding claims 5 and 6, Riedel teaches it is already known to change the radial positions of material removing tools in the rotary tubular holder or head of a shaving machine by employing a conical adjusting sleeve (i.e. bushing) which is movable in the axial direction of the revolving head ('170, col. 1, lines 17-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedel (USP 3,788,170), in view of Campbell (USP 6,190,050).

Riedel teaches a tool head having a tool holder that is axially and radially adjustable, as set forth in the above rejection.

However, Riedel fails to teach the slide surface having an inlay.

CAMPBELL teaches replaceable grid pattern of wear-resistant material strips (inlay) being established for a radial bearing or bushing (100) ('050, col. 1, lines 12-16 & col. 5, lines 1-11 and figures 8-9A). Regarding claim 3, CAMPBELL discloses the claimed invention (i.e. an inlay) except for the material of the inlay being metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose any material for the inlay depending on the strength/hardness desired for the application, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Riedel such that it included an inlay, as taught by CAMPBELL for the purpose of lengthening the life of the surfaces that are sliding against each other ('050, col. 1, lines 31-43).

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbey (USP 2,484,601), in view of Campbell (USP 6,190,050).

Abbey teaches a tool head having a tool holder that is axially and radially adjustable, as set forth in the above rejection.

However, Abbey fails to teach the slide surface having an inlay.

CAMPBELL teaches replaceable grid pattern of wear-resistant material strips (inlay) being established for a radial bearing or bushing (100) ('050, col. 1, lines 12-16

&col. 5, lines 1-11 and figures 8-9A). Regarding claim 3, CAMPBELL discloses the claimed invention (i.e. an inlay) except for the material of the inlay being metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose any material for the inlay depending on the strength/hardness desired for the application, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Abbey such that it included an inlay, as taught by CAMPBELL for the purpose of lengthening the life of the surfaces that are sliding against each other ('050, col. 1, lines 31-43).

Response to Arguments

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
2/25/11
/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724